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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,407	12/08/2004	Dominique Holtzer	979-077	4402
39600	7590	03/24/2006		
SOFER & HAROUN LLP. 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER BEAUCHAINE, MARK J	
			ART UNIT 3653	PAPER NUMBER
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/500,407	HOLTZER ET AL.	
	Examiner	Art Unit	
	Mark J. Beauchaine	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/04 & 10/25/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informality:

The term "comprising the steps of" (line 6), in lieu of "comprising", causes the subsequent terms "a step for" in said claim to be redundant.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the steps of the method claim fail to describe how the "selector" (line 2) processes coins

Regarding claim 11, the term "first period" in line 3 lacks proper antecedent basis. It appears that the Applicant intended for claim 11 to depend from claim 6 in lieu of claim 1.

Regarding claim 17, said claim depends from claim 12 and incorporates a pre-receptacle and a reserve which are redundant to the pre-receptacle and the reserve of claim 12.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, 8, 10, 12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent Number 4,836,825 by Smeets et al (hereinafter "Smeets").

Smeets discloses a coin apparatus that incorporates stores 6-11 that read on the Applicant's reserve of claim 1 and magazine of claim 12. Smeets further discloses selector 3, buffer box 5, cells 20, return tray 4 and collection box 12 that read on the Applicant's selector, pre-receptacle, coin-receiving locations, bowl and safe, respectively.

The coin apparatus of Smeets is operated such that a coin is inserted in slot 2 and recognized and discriminated by selector 3. Next it is temporarily stored in buffer box 5. Then it is returned to an operator via return tray 4 or it is passed through to stores 6-11 or to the collection box 12. These steps read on the Applicant's steps of receiving and identifying, temporarily storing and either giving back coins or passing coins through to the reserve or to the safe, respectively.

Furthermore, when a coin is processed by the Smeets apparatus it is passed to either the stores 6-11 or to the collection box 12 based on the denomination of the coin

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and the full/partially-full status of the stores. (See column 6, lines 17 plus.) This step reads on the Applicant's step of determining the coin's storage in either the safe or the reserve.

Regarding claim 2, each store 6-11 of Smeets is designed with a pre-determined number of cells 20, each able to contain a single coin. A coin being processed is passed to collection box 12 when the total number of cells of a particular store is full. The total number of cells in a particular store reads on the Applicant's pre-determined maximum number of coins. Furthermore, the step of passing the coin to the collection box 12 of Smeets reads on the Applicant's step of passing a coin to the safe.

Regarding claim 8, the stores 6-11 of Smeets are each designated to receive and store coins of a particular denomination (column 6, lines 6 plus) and a particular coin is passed to and stored in a particular reserve based on the denomination of the coin. This storage step of Smeets reads on the Applicant's step of storing a coin into a reserve location based upon the value of the coin.

Regarding claim 16, the selector 3 of Smeets identifies coins being processed by the apparatus (column 3, lines 7 plus). An identified coin is then assigned to an available cell 20 within a store 6-11. Said selector assignment step read on the Applicant's identification and location determination means, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smeets as applied to claim 1 above.

Regarding claims 3-5, each of the stores 6-11 of Smeets is allocated to receive coins of a particular denomination and various coin denominations are known to be of different sizes. Although the stores of Smeets are structurally identical, it is well known in the art to configure coin-storing apparatus based upon the size of the coin stored. It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure each of the various coin stores of Smeets with cells 20 having dimensions suitable to accommodate a particular denomination of coin. The difference of cell dimensions from one store to another results in a particular store having a total number of cells that is different from that of the total number of cells of another store. The different number of cells of the stores 6-11 of Smeets reads on the Applicant's different maximum number of coins of different values.

Regarding claim 6, the Applicant's periodic step of calculating available coin locations based upon previous coin deposit and dispensing steps constitutes a coin inventory of the coin storage apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform a periodic inventory of coins within the coin apparatus of Smeets since the number and location of available coin cells must be determined each time a coin is processed by the apparatus.

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Regarding claim 9, although Smeets fails to specifically disclose a memory for storing the location of coins in the stores, the use of a memory in a carousel storage apparatus to receive and dispense articles to and from the apparatus is inherent to the processing circuitry of the apparatus. This step of storing location data of coins within particular locations of a storage carousel reads on the Applicant's step of storing coin locations in a memory.

Regarding claim 11, apparatus that store and dispense coins inevitably become deplete of coins as a result of normal operation. As such, it is necessary to periodically replenish the coin stores of the apparatus. This step of replenishment is an inherent function of maintaining such an apparatus and reads on the Applicant's step of manually loading the coin reserve.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smeets as applied to claim 1 above, and further in view of Patent Number 6,076,649 by Waldorff, Jr. (hereinafter "Waldorff"). Although Smeets fails to disclose a programmable control device to process and monitor coins within the apparatus, the use of such devices in coin apparatus is well known in the art.

Waldorff teaches a programmable coin changer that incorporates coin sensing means 18 coin tubes 28, 30 and 32, coin return 46 and cash box 44 that read on the Applicant's selector, reserve (claim 1)/magazine (claim 12), bowl and return, respectively. Waldorff further teaches programmable control means 80 that incorporates a memory for storing a control program and the configuration of the coin

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tubes (column 4, lines 49 plus). Said control means 80 and memory read on the Applicant's control device of claim 13 and memory of claim 14, respectively. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the control means and associated memory of Waldorff into the coin apparatus of Smeets to provide an effective means of programming the allocation and distribution of coins being processed by the apparatus.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Patent Number US 6,712,688 B2 by McGinty et al because of its carousels 6a, 6b, 6c and 6d,

Patent Number US 6,607,063 B2 by Kuwabara et al because of its microcomputer 40, and

Patent Number 5,579,886 by Ishida et al because of its coin discriminator 110.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjb



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